

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

THOMAS JAMES ROCKROADS, III,

Plaintiff,

vs.

JUDGE SUSAN WATERS, et al.,

Defendants.

CV 16-00006-BLG-SPW-CSO

ORDER

On January 22, 2016 a document was filed on behalf of Thomas James Rockroads, III (hereinafter “Rockroads”) which was liberally construed as a civil complaint. *Cmplt., ECF 1*. On January 26, 2016, the Clerk of Court wrote Rockroads a letter explaining that in order to proceed he had to either submit a motion to proceed in forma pauperis or pay the \$400.00 filing fee. Rockroads was provided a form for filing a motion to proceed in forma pauperis. He did not respond.

On March 14, 2016, the Court issued an Order giving Rockroads until April 15, 2016, to pay the statutory filing fee of \$400.00 or submit a motion to proceed in forma pauperis. *ECF 4*. Again, Rockroads failed to respond.

To institute a civil action in federal court, a plaintiff must either pay a filing fee of \$400.00 as required by 28 U.S.C. § 1914(a) or file a motion to proceed in forma pauperis under 28 U.S.C. § 1915. Here, the Complaint has not been filed because Rockroads has submitted neither the filing fee nor a motion to proceed in forma pauperis. He has not responded to the Court's Order and has failed to initiate any claim.

ACCORDINGLY, the Clerk of Court is directed to close this matter.

DATED this 3rd day of May, 2016.

/s/ Carolyn S. Ostby
United States Magistrate Judge